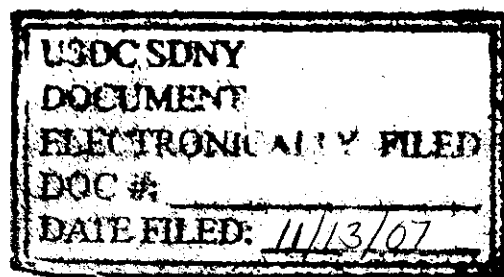


**LAWRENCE R. LONERGAN, P.C.****ATTORNEY AT LAW**

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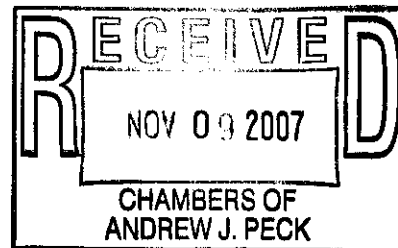
Andrew Read  
Law Clerk



November 8, 2007

Via Facsimile: (212) 805-7933

Hon. Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, NY 10007-1312



**MEMO ENDORSED** *p2*

**Re: Procapui-Productores de Camaroes de Icapui LTDA  
v. Marcial Gerald Layani, et al.  
07 Civ 6627 (BSJ) (AJP)**

Dear Judge Peck:

This office is counsel for Richard Rubin, a defendant in the above-referenced matter. I write with regard to the Rule 16 Initial Pretrial Conference Order dated November 6, 2007. I respectfully request that the Court reconsider its decision to issue sanctions against me for failing to appear at the Pretrial Conference.

I received notice of the Pretrial Conference on October 30, 2007, and realized that the appearance conflicted with a long-scheduled vacation with my family to Disney World. After conferring with Your Honor's secretary and other counsel in the action, I was unable to secure an adjournment, and so arranged for another attorney to appear at the conference for my client. During the Rule 26(f) teleconference on November 2, I advised the other counsel in the matter that I would have another attorney appear on my behalf, and would not be seeking an adjournment.

This past Tuesday, however, I was stunned to learn that no one appeared for me at the conference, and that I had been sanctioned and fined as a result. There was, unfortunately, a miscommunication between my office and the office of counsel who was supposed to appear, and the wrong date for the conference was conveyed.

November 9, 2007

Page 2 of 2

I wish to emphasize to the Court that my failure to appear was in no measure willful, as I was fully expecting an attorney to appear for my client, and meant no disrespect to the Court by my failure to appear at the conference. If at all possible, I ask that the Court rescind the fine of \$1,000.00 issued against me.

Your Honor's attention and consideration in this regard is appreciated.

Respectfully submitted,

Lawrence R. Lonergan

c: Luigi DeMaio, Esq.  
John Phelan, Esq.

(Dictated but not read)

## MEMO ENDORSED

1. Sonnet ordered to DOJ. Counselors to  
Beaver report. (And if the father is  
to "out" my" might be a problem for  
but that's better than the 2 of you. Sonnet  
to be paid of 11/19, with proof of report  
to be made of 11/20.
2. I should's report for a return  
of the fine to come from is granted,  
to 11/19/07. In looking to my  
Sonnet's order, with the 11/20.

BY FAX

SO ORDERED:

Hon. Andrew Jay Beck  
United States Magistrate Judge

by [Signature]  
John Phelan

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** November 13, 2007

**Total Number of Pages:** 3

TO	FAX NUMBER
Luigi P. De Maio, Esq.	212-889-1391
John J. Phelan, III, Esq.	212-315-3028
Arnold J. Ludwig, Esq.	718-855-9124
Lawrence R. Lonergan, Esq.	212-366-6950

## **TRANSCRIPTION:**

### **MEMO ENDORSED 11/13/07**

1. Sanction reduced to \$500. Counsel needs to be more careful. (And if the fault was of the "other guy," maybe he'll reimburse you, but that's between the 2 of you.) Sanction to be paid by 11/19, with proof of payment to my chambers by 11/20.
2. Defendant Blackman's request for an extension of the time to answer pro se is granted, to 11/19/07. Mr. Ludwig is to supply Blackman's address, etc., to the Court.

**Copy to:** Judge Barbara S. Jones